REMARKS

In the Official Action mailed on **10 November 2005**, the Examiner reviewed claims 1-27. Claims 2, 8, 11, 17, 20, and 26 were objected to because of informalities. Claims 3, 8, 12, 17, 21, and 26 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-2, 4-11, 13-20, and 22-27 were rejected under 35 U.S.C. §102(b) as being anticipated by Slaughter et al (WO 01/95106, hereinafter "Slaughter").

Objections to the claims

Claims 2, 8, 11, 17, 20, and 26 were objected to because of informalities.

Applicant has amended claims 2, 8, 11, 17, and 26 to correct the cited informalities. Applicant could not find the cited informality in claim 20 and request further clarification from the Examiner.

Rejections under 35 U.S.C. §112, second paragraph

Claims 3, 8, 12, 17, 21, and 26 were rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended claims 3, 12, and 21 to clarify that the limitation "problematic references" are "external references." These amendments find support in paragraph [0031] of the instant application. Additionally, Applicant has amended claims 8, 17, and 26 to remove "periodically" because persons of ordinary skill in the art understand garbage collection to be a periodic function.

Rejections under 35 U.S.C. §102(b)

Independent claims 1, 10, and 19 were rejected as being anticipated by Slaughter. Applicant respectfully points out the Slaughter teaches an application

allocating heap memory **using an API to access the system memory allocation functions** (see Slaughter, page 6, lines 2-11).

In contrast, the present invention allocates heap memory **using an internal memory function**, which allocates memory from a pool that is managed by the application instead of the system (see FIG. 3 and paragraphs [0027] and [0034] of the instant application). This is beneficial because it provides a technique that allows the application (virtual machine) to manage the memory allocation and, in doing so, to prevent the system memory allocation functions from fragmenting memory. There is nothing within Slaughter, either explicit or implicit, which suggests allocating heap memory using an internal memory function.

Accordingly, Applicant has amended independent claims 1, 10, and 19 to clarify that the present invention allocates heap memory using an internal memory function. These amendments find support in FIG. 3 and in paragraph [0034] of the instant application.
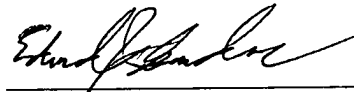
Hence, Applicant respectfully submits that independent claims 1, 10, and 19 as presently amended are in condition for allowance. Applicant also submits that claims 2-9, which depend upon claim 1, claims 11-18, which depend upon claim 10, and claims 20-27, which depend upon claim 19, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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